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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,468	07/14/2004	Kiyoshi Yamagishi	2004_0926A	3095
513	7590	04/19/2007	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			TRINH, MINH N	
			ART UNIT	PAPER NUMBER
			3729	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/19/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,468	YAMAGISHI, KIYOSHI	

  

<b>Examiner</b>	<b>Art Unit</b>	
Minh Trinh	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 6-16 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/14/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____.                         |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of Group I, species IB (claim 5) in the reply filed on 2/7/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). In view of finding that the Restriction was proper and is correct and further in view of the fact that Applicant has not traversed the Restriction the Restriction is hereby **MADE FINAL**. Applicant therefore is requested to cancel all non-elected claims or take other appropriate action.
2. Claims 1-4 and 6-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made on 2/7/07. An Office Action on the Merits of claim 5 as follows:
3. The title should have been revised to reflect the claimed method invention.
4. The abstract should have been modified to read on the claimed method.

***Drawings***

5. Figures 3-5 of the Drawings should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected

drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 5 directed to both method of manufacturing a speaker and the structural elements of the operatively associated Jig which make it scope unclear. In formulating of the rejection it is believed that claim directed to a method instead of a Jig in order to clearly define the subject matter to which applicant is intended to claim.

b) Since, claim 5 directed to a method, the following change to the preamble of claim 5 is suggested:

c) "using the voice coil insertion jig set forth in claim 1 comprising the steps of:"  
(in the preamble of claim 5, lines 1-2), should be changed to: --by using a voice coil jig,  
said method comprising: --.

d) "a)...-e) " (see claim 5, lines 3, 5, 7, 9, 11) should be rename to: --b)...f)—  
respectively.

e) after the preamble, claim 5, line 3, insert of: -- a) providing the voice coil jig  
having a base, a hollow cylindrical insertion part provided integrally in the lower part of  
the a plurality of moving pieces provided integrally in the upper part of the base, the  
outside diameter being formed the plurality of moving pieces being larger than the  
outside diameter of the insertion part, and a central boss provided above the center of  
the base, being apart from the moving pieces, wherein the plurality of moving pieces  
elastically contact with and hold the voice coil. --.

"in a voice coil insertion jig" (claim 5, lines 5-6) should be changed to:-- in the  
voice coil insertion jig--.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public  
use or on sale in this country, more than one year prior to the date of application for patent in the United  
States.

9. Claim 5 as best understood is rejected under 35 U.S.C. 102(b) as being  
anticipated by Masahito JP 2001045599.

Masahito JP discloses a method of the present invention including steps of:

- a) deforming a plurality of moving pieces elastically to the central boss side, and inserting into a voice coil (see Fig. 4b which show the deforming of the moving member toward the center of the jig as coil holder 19);
- b) restoring the elastic deformation, and holding the voice coil in a voice coil insertion jig (see Fig. 4a, where the jig 19 is inserted and hold the coil 16);
- c) inserting the voice coil insertion jig holding the voice coil into a magnetic gap forming a magnetic circuit (see Fig. 1b);
- d) adhering the inner circumference of a diaphragm to the voice coil, and adhering the outer circumference of the diaphragm to a frame (as discussed in the abstract, under solution section); and
- e) deforming the plurality of moving pieces elastically to the central boss side, and extracting the voice coil insertion jig from the magnetic gap (as discussed in the abstract under problem to be solve).

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

In an alternatively, claim 5 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Masahito JP 2001045599 in view of applicant admitted prior art APA (see Figs. 3-5, and the discussed at pages 1-2)

If argues that claim 5 does not anticipated by Masahito regarding step c, the APA discloses that (see the discussion in page 2 about lines 5-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the APA 's teaching as described above onto the invention of Masahito for purpose of positioning and assembling of the coil to its associate member in an effectively manner.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mt  
10/12/07



MINH TRINH  
PRIMARY EXAMINER